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राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शुक्रवार, 25 नवम्बर, 1955

GOVERNMENT OF HIMACHAL PRADESH

Law Department

NOTIFICATIONS

Simla-4, the 20th October, 1955

No. LR-1-20/55.—In pursuance of section 33A of the Government of Part 'C' States Act, 1951, the Lieut.-Governor, Himachal Pradesh, is pleased to order the publication of the following English Translation of the Himachal Pradesh Bhoodan Yagya Adhiniyam (The Himachal Pradesh Bhoodan Yagna) Act, 1954, as passed by the Himachal Pradesh Vidhan Sabha and assented to by the President on the 25th January, 1955.

Act No. 2 of 1955

Himachal Pradesh Bhoodan Yagna Act, 1954

(AUTHORISED TEXT)

AN

ACT

to facilitate donation and settlement of land in connection with the Bhoodan Yagna initiated by Shri Acharya Vinoba Bhave

WHEREAS it is expedient to facilitate the donation of land in connection with the Bhoodan Yagna initiated by Shri Acharya Vinoba Bhave and to provide for the settling of such land on landless persons.

It is hereby enacted as follows :

CHAPTER 1**PRELIMINARY**

1. Short title, extent and commencement.—(1) This Act may be called the Himachal Pradesh Bhoodan Yagna Act, 1954.

(2) It extends to the whole of the Himachal Pradesh.

(3) It shall come into force at once.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context —

(a) “Bhoodan Yagna” means the movement initiated by Shri Acharya Vinoba Bhave for acquisition of land through voluntary gifts in favour of the Board ;

(b) “Board” means the Bhoodan Yagna Board established under section 3 ;

(c) “land” means land which is occupied or let for agricultural purposes or for purposes subservient to agriculture or for pasture and any transferable interest in such land ;

(d) “landless person” means a person holding no land or land less than the area which may be prescribed in this behalf ;

- (e) "prescribed" means prescribed by rules made under this Act ;
- (f) "Revenue Officer" in any provision of this Act means such Revenue Officer appointed under the Himachal Pradesh Land Revenue Act, 1953 as the State Government may, by notification, direct to discharge the functions of a Revenue Officer under that provision ;
- (g) "State Government" means the Lieutenant Governor of Himachal Pradesh.

CHAPTER 2

ESTABLISHMENT OF THE BOARD

3. Incorporation, establishment and duties of Bhoodan Yagna Board.—(1) There shall be established a Board by the name of the Himachal Pradesh Bhoodan Yagna Board.

(2) The Board shall be a body corporate having perpetual succession and common seal with power to acquire, hold, administer and transfer property both movable and immovable and to enter into contracts and shall, by the said name, sue and be sued.

(3) It shall be the duty of the Board to administer all land vested in it for the benefit of the Bhoodan Yagna in accordance with the provisions of this Act.

(4) The Board shall for the purpose of Bhoodan Yagna perform such other functions and possess such other powers as may be necessary in respect of such land.

4. Constitution of the Board.—(1) The Board shall consist of the following, namely —

- (a) the Chairman—to be nominated by the State Government in consultation with Shri Acharya Vinoba Bhave ;
- (b) four or more, but not exceeding eight members—to be nominated by the State Government in consultation with Shri Acharya Vinoba Bhave.

(2) The nomination or appointment of the Chairman and of the members shall be notified in the official Gazette in the manner prescribed.

(3) The Chairman and the members of the Board shall hold office for four years from the date of the notification under sub-section (2) and shall be eligible for re-appointment or re-nomination :

Provided that the Chairman or any member of the Board may, at any time, resign his office by submitting his resignation in writing to the State Government but no such resignation shall take effect until it is accepted :

Provided further that the State Government may remove from office the Chairman or any member of the Board who, in the opinion of the State Government, has failed to perform or is unable to carry out his duties or has so abused his position as a Chairman or member of the Board as to render his continuance as Chairman or member detrimental to the interest of the public.

5. Dissolution of Board.—(1) If at any time the State Government is satisfied that—

- (a) the Board has failed without reasonable cause or excuse to discharge duties or to perform functions imposed or assigned by or under this Act ;
- (b) circumstances have so arisen that the Board is rendered unable or may be rendered unable to discharge duties or to perform functions imposed or assigned by or under this Act ; or
- (c) it is otherwise expedient or necessary to dissolve the Board ;

it may by notification in the official Gazette—

- (i) dissolve the Board for the period to be specified ;
- (ii) reconstitute the Board in accordance with the provisions of section 4 ; and
- (iii) declare that the duties, powers and functions of the Board under this Act shall for the period for which it has been dissolved, be discharged, exercised and

performed by such person or authority and subject to such restrictions as may be specified therein.

(2) The State Government may make orders providing for such incidental or consequential provisions as may appear to be necessary for this purpose.

6. Vacancies in the Board.—(1) Any vacancy of a Chairman or a member shall be filled up as early as practicable.

(2) The method of filling up vacancies in the Board, procedure of its working and the conduct of its business shall be such as may be prescribed.

7. Validity of proceedings.—Anything done or any proceedings taken under this Act shall not be questioned on account of any vacancy in the Board or any defect or irregularity in the nomination of the Chairman or any member of the Board.

8. Appointment of officers and servants.—The Board may appoint such officers and servants as it considers necessary for the efficient performance of its functions.

9. Conditions of service of officers and servants.—The remuneration and other conditions of service of the officers and servants of the Board shall be such as may be determined by the Board.

10. Board's fund.—The Board shall have its own fund and may accept grants, donations, gifts or loans from the Central or the State Governments or local authority or any individual or body whether incorporated or not, for all or any of the purposes of the Board.

11. Application of funds.—All property, fund and all other assets vesting in the Board shall be held and applied by it subject to the provisions, and for the purposes of this Act.

12. Tahsil Committees.—(1) The Board may, for any tahsil or group of villages where it considers necessary so to do, constitute

Tahsil Committees consisting of not less than three and not more than seven members to be appointed by the Board.

(2) The members of the Tahsil Committee shall be chosen by the Board from amongst persons residing within the area of the tahsil or the group of villages concerned.

(3) The Board may with the previous sanction of the State Government, make regulations, consistent with this Act and with any rules made thereunder for regulating the procedure, disposal of business, the term of office of, and the filling of casual vacancies amongst the members of the Tahsil Committee.

CHAPTER 3

DONATION OF LAND

13. Donation of Land to Bhoodan Yagna.—(1) Notwithstanding anything contained in any law for the time being in force, any person, owning a transferable interest in the land, may donate and grant such land to the "Bhoodan Yagna" by a declaration in writing in that behalf (hereinafter called the Bhoodan declaration) in the manner prescribed.

(2) The Bhoodan declaration shall be filed with the Board as soon as it is made.

(3) The Board shall, if it considers the donation or grant acceptable, forward the declaration to the Revenue Officer having jurisdiction in the tahsil or village where the land is situate.

14. Publication of and investigation upon the declaration.—Upon receipt of the Bhoodan declaration, the Revenue Officer shall—

(a) publish the same for objections, and

(b) make a summary enquiry as to the right, title and interest of the donor in such land.

15. Donor competent to donate land.—Notwithstanding anything contained in the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953, or any other law relating to

land tenure as may be applicable, a person owning a transferable interest in the land shall be competent for purposes of this Act to donate the land held by him as such to the Bhoodan Yagna.

16. Filing, hearing and disposal of objections.—(1) Any person whose interests are affected by the Bhoodan declaration may within sixty days of the publication of the declaration, file objections on the same before the Revenue Officer.

(2) The Revenue Officer shall register every such objection and shall fix a date of hearing of which notice shall be given to the declarant, the objector and the Gram Panchayat concerned.

(3) On the date of hearing or any other date to which it may be postponed, the Revenue Officer shall proceed to investigate and dispose of the objection and shall subject to the provisions of section 17—

(a) either confirm the Bhoodan declaration, or

(b) supersede the same.

(4) If the Revenue Officer confirms the Bhoodan declaration then, notwithstanding anything contained in any Act or law for the time being in force, all the rights, title and interest of the person making the declaration in such land shall stand transferred to and vest in the Bhoodan Board for purposes of the Bhoodan Yagna.

(5) Where the Bhoodan declaration has not been forwarded to the Revenue Officer or where it is superseded by the Revenue Officer under sub-section (3), the donation shall stand cancelled and the person making the declaration shall be deemed to continue to have all his rights, interests and title in such land as if no such donation was made.

(6) The declaration after it has been confirmed under sub-section (3) may be got registered under the Indian Registration Act, 1908.

(7) No fee for the registration of the declaration shall be chargeable.

17. Land which cannot be donated.—Notwithstanding anything contained in any law a person shall not, for the purposes of

this Act, be entitled to donate the land falling in any of the following classes, namely —

- (a) land which on the date of donation is recorded or by usage treated as common pasture land, cremation or burial ground, tank, path-way or thrashing floor;
- (b) land in which the interest of the person is limited to his life-time; and
- (c) such other land as the State Government may by notification in the official Gazette specify.

18. Order of Revenue Officer subject to Civil Court.—

The order of the Revenue Officer, rejecting an objection, passed under sub-section (3) of section 16, shall not be subject to appeal or revision but any party aggrieved by the order or any other person interested in the land who had no notice of the proceedings under section 16, may within six months from the date of such order, institute a suit in the Civil Court having jurisdiction to have the order set aside and the decision of such court shall be binding on the Board, and subject to the result of such suit, if any, the order of the Revenue Officer shall be conclusive.

19. Land donated prior to the commencement of this Act.—(1) Where any land has been donated for the purpose of Bhoodan Yagna prior to the commencement of this Act, the Board shall prepare a list of such land, showing—

- (a) the area and other particulars of the land;
- (b) the name and address of the donor;
- (c) date of the donation;
- (d) the nature of the interest of the donor in the land;
- (e) if the land has been granted to any person in pursuance of the Bhoodan Yagna, the name and address of the person to whom the land has been granted (hereafter called the grantee);
- (f) the date of the grant under sub-clause (e); and
- (g) such other particulars, as may be prescribed.

(2) The list so prepared shall be forwarded to the Deputy Commissioner of the district within whose jurisdiction the land is situate.

(3) On receipt of such list, the Deputy Commissioner shall cause action to be taken in accordance with sections 14 to 16 in respect of pieces of land described in the list as if declarations had been made in respect of them and forwarded to the Revenue Officer concerned under section 13.

(4) The provisions of sections 14 to 18 shall apply in respect of all the donations of the said land as they apply in respect of donations of land made after the commencement of this Act :

Provided that wherein an order is made by a Revenue Officer under sub-section (3) of section 16, the donation shall be deemed to have been confirmed with effect from the date on which the donation of land was made, and for this purpose this Act shall be deemed to have been in force with effect from such date.

(5) If any land of which the donation was received before the commencement of this Act has already been granted to any person in pursuance of the Bhoodan Yagna, it shall be deemed to have been granted by the Board to such person on the date on which such person takes possession thereof and the grant shall be subject to all liabilities to which the grants made by the Board shall be subject.

20. Declarations to be irrevocable.—Every declaration of land in respect of which an order has been passed confirming it under sub-section (3) of section 16 shall, after the date of the order, be irrevocable.

21. The land vesting in the Board not attachable.—The land vesting in the Board shall not be liable to attachment or sale in execution of any decree or order passed by a Civil Court against the Board.

CHAPTER 4

DISTRIBUTION OF LAND

22. Grant of land to landless persons.—The Board or such other authority or persons, as the Board may, with the approval of

the State Government, specify either generally or in respect of any area, may, in the manner prescribed, grant land which has vested in it to a landless person, and the grantee of the land shall—

- (i) where the land is situate in any estate which has vested in the State Government under and in accordance with the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953, acquire in such land the rights and the liabilities of a tenant, and
- (ii) where it is situated in any other area acquire therein such rights and liabilities and subject to such conditions, restrictions and limitations, as may be prescribed and the same shall have effect, any law to the contrary notwithstanding:

Provided that for the purposes of this Act no tenant shall be ejected from the land held by him except in accordance with the provisions of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953.

23. Grants to be made in accordance with Bhoodan Yagna Scheme.—All grants shall be made as far as the case may be in accordance with the purpose of Bhoodan Yagna.

CHAPTER 5

MISCELLANEOUS

24. Exemption from stamp duty and registration.—The Bhoodan declaration made or deemed to be made under section 13 or a grant of land made or deemed to be made under section 22 shall be and be deemed always to have been exempt from payment of a stamp duty and from registration or attestation under the law relating to registration and execution of documents, any law to the contrary notwithstanding.

25. Power to remit land-revenue.—(1) The State Government may, if it is satisfied that the Board has not been able to grant the land in any year, remit the land revenue or rent due on the land for that year.

(2) The State Government may, by notification, direct that the powers conferred on it under sub-section (1) shall, subject to such

conditions which may be specified, be exercisable by any officer not below the rank of Deputy Commissioner.

26. Power to make rules.— The State Government may, by notification and subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(2) Without prejudice to the generality of foregoing powers, such rules may provide for—

- (a) the area of land to be prescribed for the purposes of clause (d) of section 2;
- (b) the matters relating to the establishment, constitution of the Board, nomination and appointment of Chairman or the members thereto, as the case may be, and the procedure of the working of the Board and the conduct of its business;
- (c) the form of Bhoodan declaration and the manner in which it shall be filed;
- (d) the documents to be filed with the Bhoodan declaration;
- (e) the manner of publication of the Bhoodan declaration;
- (f) the nature, scope and manner of the inquiry under section 14;
- (g) the manner of filing the objections and their registration;
- (h) the fixation of date for hearing the objections;
- (i) the manner and mode of service of notices under this Act;
- (j) procedure to be followed in hearing and disposal of objections under section 16;
- (k) the procedure relating to confirmation or supersession of declaration;
- (l) prescribing other particulars under clause (g) of sub-section (1) of section 19;
- (m) the matters relating to the grant of land in pursuance of section 22; and
- (n) the matters which are to be and may be prescribed.

Simla 4, the 28th September, 1955.

No. LR. 1-31/55.—In pursuance of section 33-A of the Government of Part 'C' States Act, 1951, the Lieutenant Governor, Himachal Pradesh, is pleased to order the publication of the following English Translation of the Himachal Pradesh Pashu Sudhar Adhiniyam, (The Himachal Pradesh Live Stock Improvement Act, 1954) as passed by the Himachal Pradesh Vidhan Sabha and assented to by the President on the 5th February, 1955.

Act No. 3 of 1955.

Himachal Pradesh Livestock Improvement Act, 1954

(AUTHORISED TEXT)

AN
ACT

to provide for the improvement of the livestock in Himachal Pradesh

Preamble:—WHEREAS it is expedient to provide for the improvement of livestock in Himachal Pradesh.

It is hereby enacted as follows:—

1. Short title and extent.—(1) This Act may be called the Himachal Pradesh Livestock Improvement Act, 1954.

(2) It extends to the whole of the Himachal Pradesh.

2. Definition.—In this Act, unless there is anything repugnant in the subject or context:—

- (a) “approved bull” means a bull certified as such under section 7 or supplied by the Government in a local area for breeding purposes;
- (b) “bull” means an uncastrated male calf above such age as the State Government may, by notification, prescribe for any local area;
- (c) bull is said to be “castrated” if it is rendered incapable of propagating its species;
- (d) “Livestock Officer” means the Animal Husbandry Officer, Himachal Pradesh, and includes any officer authorised by him with the previous approval of the State Government to exercise all or any of the powers under this Act;
- (e) a person is said to “keep a bull” if he owns the bull or has the bull in his possession or custody for the time being;
- (f) “prescribed” means prescribed by rules made under this Act;

(g) "State Government" means the Lieutenant Governor of Himachal Pradesh.

3. Power to specify area.—(1) The State Government may, by notification, declare any part of the State to be specified area for the purposes of this Act, and thereupon the provisions of sections 4 to 21 shall come into operation in such area.

(2) No such notification shall be issued unless the State Government is satisfied that the number of bulls in the specified area which are fit to be certified as approved under section 7 together with such number of bulls as may be supplied by the State Government in any local area for breeding purposes will be adequate to maintain the rate of propagation of the species.

(3) The State Government may, after recording reasons for doing so, cancel at any time a notification issued under sub-section (1).

(4) The validity of any notification issued under sub-section (1) or (3) shall not be called into question in any proceeding before any court or authority.

4. Prohibition to keep a bull unmarked.—Except as provided by or under this Act no person shall keep a bull which has not been marked in accordance with the provisions of this Act.

5. Intimation about unmarked bulls.—Every person, who on the date of the issue of the notification under section 3 has in his possession any bull or who, at any time thereafter, comes into possession of any bull which is not branded with a distinguishing mark prescribed under this Act, shall give intimation of such possession to the Livestock Officer within such period as may be prescribed.

6. Submission of bulls for inspection.—On receipt of the intimation under section 5 or on his own motion, the Livestock Officer may, by order require any person keeping a bull to present the bull for inspection at any reasonable time and place specified in the order, and thereupon it shall be the duty of the person keeping the bull to submit it for inspection accordingly and render all reasonable assistance in connection with such inspection.

7. Certification of bulls as approved.—Where on such inspection of a bull the Livestock Officer is satisfied that the bull is capable of being used for breeding purposes and—

- (a) is not of defective or inferior conformation and is not likely to beget defective or inferior progeny, or
- (b) is not suffering from any incurable, contagious or infectious disease or from any other disease rendering the bull unsuitable for breeding purposes, or
- (c) is not of a breed which it is undesirable to propagate in the specified area or part thereof,

he shall certify the bull as approved and cause it to be branded with a mark prescribed for the purpose.

8. Marking of castrated bulls.—When on inspection the Livestock Officer is satisfied that a bull is effectively castrated, he shall cause it to be branded with a mark prescribed for the purpose.

9. Castration of unapproved bulls.—(1) Where on inspection the Livestock Officer is satisfied that a bull is not fit for being certified as an approved bull and is also not effectively castrated, he shall order the person keeping the bull to have it castrated within such period as may be prescribed from the date of the service of the order.

(2) Such castration shall be performed or caused to be performed by the Livestock Officer free of charge.

(3) The Livestock Officer shall cause every bull so castrated to be branded with the appropriate mark.

10. Castration of bulls without owners.—(1) If after such enquiry as the Livestock Officer may deem fit to make, he finds that any bull is not owned or possessed by a known person he shall cause the bull to be seized and inspected.

(2) If on such inspection he finds that action under section 7 or section 8 is appropriate, he shall take such action and if he finds that the bull is not fit for being certified as bull and is also not effectively castrated he shall have it castrated and cause it to be branded with the appropriate mark.

11. Powers of Livestock Officer to inspect or mark bulls or inspect and to enter premises.—(1) For the purpose of this Act a Livestock Officer or any other officer or person authorised by him in this behalf shall have power at all reasonable times—

- (a) to inspect any bull;
- (b) to brand any bull with a prescribed mark in the prescribed manner;
- (c) subject to such conditions and restrictions, if any, as may be prescribed to enter any premises or other places where he has reason to believe that a bull is kept.

(2) If the Livestock Officer on inspection of an approved bull finds that the bull has contracted a heritable disease or has otherwise become unfit as an approved bull, he may take action for the castration and marking of the bull afresh in accordance with section 9.

12. Marking to be made free of charge.—Every marking required to be made under this Act shall be made free of charge.

13. Service of notice and order.—Any notice or order which is to be served on any person under the provisions of this Act may be served in the prescribed manner.

14. Maintenance of registers.—The Livestock Officer shall maintain in the prescribed form such register giving particulars of inspections, castrations and markings made and bulls approved under this Act and such other particulars as may be prescribed.

15. Duty of officers to report offences etc.—It shall be the duty of all persons entrusted with the performance of any duty under the provisions of this Act and of all officers of such grade as may be specified by the State Government by general or special order of the Animal Husbandry, Agriculture, Co-operative and Revenue Departments —

- (a) to give immediate information to the nearest Livestock Officer of the commission of any offence or of the intention or preparation to commit any offence punishable under this Act which may come to their knowledge;

- (b) to take all reasonable measures in their power to prevent the commission of any such offence which they may know or have reason to believe is about or likely to be committed ; and
- (c) to assist the Livestock Officer in carrying out the provisions of the Act.

16. Penalty for unauthorised marking.—If any person without lawful authority brands or causes to be branded any bull with any mark prescribed under this Act or with any mark resembling such prescribed mark, he shall be liable to imprisonment which may extend to three months or with a fine which may extend to five hundred rupees, or both.

17. Penalty for other offences.—Whoever—

- (a) keeps a bull in contravention of this Act or of any rule or order made thereunder, or
- (b) neglects or fails to produce a bull for inspection when required to do so under section 6 or section 11, or
- (c) neglects or fails to comply with an order served under section 9,

shall be punishable with fine which may extend to twenty rupees and in the case of a second or any subsequent offence with fine which may extend to fifty rupees.

18. Cognizance of offences.—No Magistrate or court shall take cognizance of any offence under this Act except upon a complaint made by a Livestock Officer or any person authorized by him in this behalf.

19. Bar of proceedings.—No suit, prosecution or other proceedings shall lie against an officer or servant of the State Government for any act done or purporting to be done under this Act without the previous sanction of the State Government.

20. No suit or other legal proceedings for damage caused.—No suit or other legal proceedings shall lie against the State Government or against any of its officers for any damage caused or

likely to be caused by anything in good faith done or intended to be done under or in pursuance of this Act.

21. Power to make rules.—(1) The State Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for—

- (a) all matters required to be prescribed under this Act ;
- (b) the powers and duties to be exercised and performed by officers acting under this Act and the procedures to be adopted by them in so acting ; and
- (c) the approved age of a bull for purposes of breeding in any local area.

(3) All rules shall be subject to previous publication.

(4) In making any rule the State Government may direct that a breach thereof shall be punishable with fine which may extend to fifty rupees.

B. D. SHARMA,
Assistant Secretary (Judicial).